

REMARKS

Please note that a typographical error in claim 1 has been corrected. This does not affect the grouping of the claims in the restriction requirement.

Before responding to the merits of the restriction requirement, the undersigned attorney respectfully notes for the record that, although the detailed action at Paragraph 5 states that the Examiner made a telephone call to the undersigned on 18 March 2002 to request an oral election, the reason why no oral election was made is that the undersigned never spoke with the Examiner and the Examiner did not leave a voice mail message from the Examiner. The undersigned received no communication from the Examiner requesting an election prior to receipt of this present action.

Claims 1-29 are pending in this case. In the Office Action mailed March 22, 2002 the Examiner required restriction to one invention, and set out two claim groups from which to choose.

The two inventions set out by the Examiner are Invention I, comprising claims 1-18 and 27-29, which are drawn to an apparatus for cutting sheets of metal material, and Invention II, comprising claims 19-26, which are drawn to a process for manufacture of railroad car side sheets.

The Examiner has indicated that Invention II pertains to a process form the manufacture of railroad car side sheets. In point of fact, the applicant submits that only claims 1 and 20 pertain to such a process. Claims 21-26 pertain to a plasma arc cutting process. For that reason, applicant contends that Invention II is really claims 1-18 and 21-29.

The applicant respectfully traverses the examiner's restriction requirement as not well taken. The stated basis is that the apparatus in Group I can be used to another and materially different process, such as cutting aluminum sheet or copper sheet. It is not clerar to the applicant why copper and aluminum are not considered metal materials, as aree iron, steel, lead, zinc, and many other materials.

The applicant requests reconsideration of the restriction requirement.

Restriction to One Invention

With traverse, the applicant elects to prosecute **INVENTION I** as identified above by the applicant, namely claims 1-18 and 21-29.

Elections Made Without Prejudice

The restriction and election made above are made with traverse and without prejudice to the Applicant's right to undertake prosecution of the non-elected claims at a later date by way of continuation or division, as the case may be, of this parent application.

Conclusion

In view of the foregoing arguments and claim amendments, the applicant submits that the claims pending in this case are presently in a condition for allowance. Therefore, the applicant requests early and favorable disposition of this application.

Respectfully submitted,



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